Synoptic Note of Research Work

Problems and Prospects of Women Lawyers in the District court of Kalaburagi .

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By

Vijayalaxmi .B .Patil

RESEARCH GUIDE

Dr.Vijaya.B.Korishetti
Professor
Department of Sociology,
Karnataka State Women's University,
Vijayapur.

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Problems and Prospects of Women Lawyers in the District court of Kalaburagi .

1) Introduction:

The profession of law is one of the growing and lucrative professions all over the world. Lawyers are held in high esteem in a society, as they are a force for the perseverance and strengthening of constitutional government. Law profession includes lawyers practicing in private sector, solo practitioners and those working in law firms and also comprise of lawyers engaged in Government, corporations, organizations and law school professors and judges. Globalization has far-reaching consequences on the law profession. It has also increased the pace and complexity of law practice. This prompts many lawyers who cannot cope, to leave the practice. The path of women in the law profession can be described as a process of continuing challenge. Though, Lawyers are the guardians of modern law system, previous studies by (Tsaoussis 2011), Kay etal (2014), (Shanta 2011), Ching & Brian (2001) show that, in this profession, women are not given equal rights and also they don't occupy a remarkable position.

The status of women in India has undergone major changes. With the active involvement of women activists and positive Government interventions, women have started excelling in almost all the fields. Still only few women are found in higher levels of the law profession. The Supreme Court has seen only six woman judges in the 65 years of its existence. At present, there is only one women judge in the Supreme Court, out of 28 2 judges (Department of Justice 2015a). Currently, the 24 High Courts in the country have 68 women judges where men are 627 in number. In High Courts, today, women count 10.85 percentage of the total number of judges. (Department of Justice 2015b).

LAW PROFESSION IN INDIA: AN OVERVIEW

The history of law profession in India is a history of struggle: for recognition, characterized by prestige, power and income. The professional standing of the advocates of India evolved and grew till it finally manifested itself in the Advocates Act of 1961. 72 The

Advocates Act, enacted by the Parliament in 1961 regulates the law profession in India. Prior to this enactment, there was no uniformity in granting license to practise and with respect to the designations of law practitioners. The Advocates Act aimed at raising the prestige of the profession, to improve the morale of the profession besides inculcating the spirit of oneness and harmony in the profession. The Act paved way for the establishment of the Bar Council of India at the national level, empowering it to lay down the uniform qualifications for the enrolment of advocates. As a result of the Advocates Act, admission, practise, ethics, privileges, regulations, discipline and improvement of the profession as well as law reform are now significantly in the hands of the profession itself. The Indian Bar Councils Act, 1926 placed the vakils and the barristers on the same footing and both they were designated as advocates of the court. The Indian Bar Councils Act, 1926 was passed to unify the various grades of law practise and to provide self-government to the Bars attached to various Courts. The Act required that each High Court must constitute a Bar Council. The duties of the Bar Council were to decide all matters concerning law education, qualification for enrolment, discipline and control of the profession. It was favourable to the advocates as it gave them authority previously held by the judiciary to regulate the membership and discipline of their profession.

Gender bias in the profession of law is reflected at several levels: First, in the proportion of women lawyers; Second, in the attrition rate of women advocates, and Finally, in the lack of high positions that women lawyers occupy, be it in the bar, in law firms or in the judiciary. In recent years, the law profession has undergone significant changes, with rapidly rising numbers of women among its membership. During the past three decades, the number and prominence of female lawyers have grown dramatically. Women entering the law profession as well as law colleges have increased in recent years. But this doesn't mean that women are given equal preference in the law profession. A wide array of research finds that, women's opportunities are limited by factors other than conscious prejudice. Major barriers include unconscious stereotypes, inflexible workplace structures, states Castan & Jeannie Paterson (2010), sexual harassment is identified by Leskinen et al (2011) and (Rhode 2001), and gender bias by Gorman & Kmec (2009) and (Lopez 2008) in the justice system. Women aren't given equal opportunity to show their potential. Women face subtle but often self-perpetuating cycles of gender bias that limit their career choices. Thus, gender serves as a main 3 factor in professional development; a women lawyer is evaluated above all else as a women.

2) Review of literature

Research has been conducted by various researchers at the national and international level so as to explore the problems and prospects of women law professionals. Brief reviews of such important studies are quoted in the following section:

1. According to **Anandhi (1995)** nearly 50% of women present in the world—However, their economic and political status is inferior to that of men worldwide. According to the author, discrimination against women is a crime against human dignity and is a basic wrong to mankind. As one of the weaker groups in society, women's needs and issues ought to receive special attention.

2. **Ching & Brian (2001)** in their research focuses on investigating discrimination and harassment in American legal firms. Law firms have not yet implemented these procedures, despite the fact that many major businesses in the United States have made steps to promote equal opportunities and reduce sexual harassment. According to the authors, a lot of women and minorities quit their jobs because they believe their chances of finding a mate are slimmer. All attorneys struggle with their work schedules, but women in particular who seek to combine work and family life struggle more than males. The study's conclusions show that there is a glass ceiling that needs to be removed. The term "glass ceiling" refers to the invisible but impenetrable barrier that prevents minorities and women from moving up the corporate ladder, regardless of their qualifications or accomplishments.

3. **Baker (2002),** In his research, focused on determining the financial benefits received by women who pursued four professional degrees: law, medicine, M.B.A.s, and doctoral degrees in social science and psychology. The study's findings show that women are more drawn to the legal profession than other professional degrees because they find it more comfortable in terms of income potential, returning to the workforce, and career advancement. The study's findings show that women's involvement rates are lower than men's and tend to decline during the years of greatest childbirth. In the private sector, female law graduates earn about what males do, somewhat less in state government jobs, and 20% more in the U.S. government sector.
4. **L. Krakauer's (2003)** research "Gender Barrier in the Legal Profession: Implications for Career Development of Female Students" looked at the problems that affect the

lives and career development of female law school students. The gap between men and women's job patterns was one of several psychological issues relating to gender that the author investigated. The career advancement of women in the legal profession has been found to be significantly influenced by a number of factors.

5. **Hersch (2003)** has explained that, even after adjusting for work-related and personal factors, there is still a sizable unexplained gender wage disparity. Discrimination may be to blame for this unbridgeable salary disparity. The author has put out explanations for the salary discrepancy. The first is that female solicitors work less hours per week than male solicitors, which causes them to fall behind their male colleagues. The second reason is that male and female attorneys have different average values for personal and professional traits including years of experience, hours billed, and other things. Thus, this difference in typical characteristics would be the cause of the gender wage gap. Another justification for the salary gap is that more women are only now joining the legal field, therefore they need more time to advance. Although the gender gap will close as more women gain legal experience, a gap based on family status is likely to endure.
6. Oklahoma's find that the gender disparities still exist in legal profession. The study's findings demonstrate that female solicitors lack the same level of discipline as their male counterparts. However, it has been discovered that clients of female solicitors are happier than those of male solicitors. It's because women attorneys are more compassionate and sympathetic than male lawyers, who are also better listeners, communicators, and interpret nonverbal clues. With this mentality, the female solicitors are better able to sustain positive client relationships.
7. According to **MacMillan et al (2005),** found in their study that half of the female respondents had worked as lawyers for less than ten years, whereas half of the males had worked in the field for more than twenty-one. There were preconceived notions about the sort of work performed by male and female attorneys that were related to gender appropriateness. According to 65.6% of female respondents, there was a belief among professionals that men or women are more suited to particular jobs. Among men, 36% held that opinion. There were relatively few professions where it was widely believed that men or women would be better suited for a particular job. Family law was the lone exception since it was thought to have a feminine dimension. According to the majority of female respondents, males are often thought to be more fit for jobs in the legal fields of construction, corporations, and criminal law. In the fields of residential

conveyance, civil litigation, family/matrimonial, and employment law, women made up the majority of the workforce. After the first five years of practise, a gradually widening gender pay gap with respect to experience and pay started to show.

8. 'Women, Work and Family' by **H.L.Kaila (2005),** is an unique book in which the author attempted to concentrate on the daily problems faced by working women, both in rural and urban areas. Through years of research, he has focused on the issues that working women face at home and at the office, such as an increasing workload, the necessity of spending time with the husband and children at home, the added stress that comes with a sick or special needs child, and any other demands that the wife is typically expected to handle. All of these contribute to the psychosomatic symptoms that characterise modern working women's problems.
9. **Gorman (2006)**, in her study brought focus to the effects of gender imbalance in recruiting and development in legal firms. The conclusions show that there is a presumption among legal companies that men are more capable attorneys than women and that women are less qualified. Regardless of their skills, the decision-makers in legal firms give more weight to gender when making judgements on promotions. According to the author, there may be a difference in how cases and clients are assigned to male and female lawyers. Women are not given difficult situations to demonstrate their abilities. To demonstrate that they are superior to their male colleagues, female attorneys should put forth more effort.
10. **Nicolson (2006),** is approaching to the realization that it is necessary to end the present discriminatory and disadvantageous habits. Additionally, he contends that decision-making criteria and quotas do not always conflict with merit-based hiring and promotion, and as a result, any perceived injustice towards other applicants is less significant than it actually is. Discrimination in the legal profession is unlikely to be eliminated by current policies. In order to change exclusionary practises, it is crucial to properly design and execute quotas and decision-making preferences.
11. **Angel (2006),** argues that the lack of high-paying occupations and influential positions, such as equity partners and permanent professors in law schools, reduces the number of women practising law. According to the survey, married men who have a partner to handle their personal duties are good workers. As opposed to men, who are expected to handle both personal and work-related responsibilities, women who are believed to be the primary carers are expected to be less effective than men in managing both. While the proportion of women entering law school has dramatically increased, so too has the

number of women leaving the field. Women are overrepresented in low-paying, precarious law occupations and underrepresented in high-paying, secure jobs.

12. According to research **of Berenson (2006),** Women attorneys are reported to be having difficulty juggling their professional and personal duties,. To assist women attorneys in striking a greater equilibrium between work and personal life, the author advises implementing flexible workplace regulations. Women attorneys will have better opportunity to ascend to the top ranks in the profession and achieve equality through improving their work-life balance. In order to encourage and facilitate the hiring and retention of women in the legal profession, it is required to identify, create, and support the adoption and implementation of effective alternative employment policies and practises.
13. **Tsaoussis (2007)** has revealed that the once-dominantly male profession of law has emerged as one of the brightest and most competitive. But now, on par with men, women are excelling in the legal profession. In achieving gender fairness, women have made great strides. However, there are still a number of factors that contribute to gender equivalent requirements, which is extremely challenging to eradicate. The study's findings show that there is a significant gender gap in income and position. Women are disproportionately overburdened with domestic work and child-rearing responsibilities, which is the major cause of their lower levels of success.
14. **Mukherjee (2007)** Evaluating that, it becomes clear that people view attorneys as a type of manipulative or fixer who, in many respects, falls short of expressing society's fundamental attitudes and beliefs. To provide women in the legal field an equal chance, the Indian legal system must change. Compared to reform at any other stage in the legal system, education seems to be the most advantageous entrance point and gives more power for beneficial change. A powerful tool for justice in an unequal society, the way a lawyer thinks, acts, and conducts oneself must alter for such a transformation to take place.
15. **Cantrell et al (2007)**, In their research, looked at how attorneys' career choices are determined by their gender, as well as job satisfaction and work-life balance. The study's findings suggest that gender has little impact on attorneys' career paths. Lawyers must make their work exciting and difficult regardless of their gender. The study's unexpected conclusion is that males who practise law also encounter conflicts between their job and personal lives. Lawyers of both genders anticipate spending time with their friends and families. Thus, it becomes clear that men and women place equal

importance on the issue of work-life balance. Lawyers believe that the legal profession is interesting and fulfilling.

16. **Stake et al (2008),** undertook a study exploring the influences of personal and professional traits, on income and work happiness of legal practitioners. It compares the replies from various demographic categories, such as gender, race, ethnicity, and practice type. The research's conclusions show that women make significantly less money than males. Women are reported to work less hours than males because of obligations related to child care, which is the reason for this difference in income level. Women appear to be especially sensitive to hours in terms of work happiness, perhaps as a result of larger family commitments.
17. **Lopez (2008)**, made an effort to investigate the position of women in the legal profession, to identify the challenges they confront, and to offer solutions for the issues identified. The author has noticed that the success of women in the legal profession has undergone a significant transformation. Despite a sharp rise in the number of women joining the legal profession, they are still underrepresented in the profession's highest levels. Despite the fact that women make up a sizable portion of the profession, relatively few of them are found at the highest levels of the legal system.
18. **Fiona Kay and Elizabeth Gorman (2008),** "Women in the Legal Profession" provide a picture of women's experiences and their impact on the law and the legal profession. They noted that the legal profession has experienced tremendous change recently, with a sharp increase in the proportion of women among its members. Legal historians, sociologists, economists, organisational behaviour specialists, and scholars of sociology and law have all studied different aspects of the feminization of the legal profession. The article discusses the criteria of equality and disparity in the legal profession of today for both men and women. They analyse and document the theoretical justifications for the gender disparities that still exist in legal education, employment, compensation, advancement, and other professional possibilities.
19. **Kay & Gorman (2008)** tries to learn about the experiences of female attorneys with regard to legal education, gender disparity, professional entrance and hiring, sexual harassment, work/family conflicts, promotion and upward mobility, and gender disparity in income levels. The study's findings show that women's experiences in law school are different from those of males. Compared to male attorneys, more female lawyers were found working in less satisfying environments and employment. Gender discrimination against women attorneys includes sexist attitude, harassment, insulting

remarks, and a hostile courtroom atmosphere. The promotion procedure was shown to oppose female lawyers. Lawyer salaries for women are much lower than for males.

20. **John Monahan & Jeffrey Swanson (2009)** investigate the employment and life happiness of attorneys in Virginia. According to the study's findings, attorneys' life satisfaction is not significantly affected by gender. There is no discernible gender difference in total job satisfaction, despite the fact that males score much higher than women in the category of "balance" among their work and personal or family life. The majority of the gender gap in law graduates' full-time employment may be explained by those who are parents.
21. **Pooja Sinha (2011)** emphasises in her articles that, "As a woman, she does find it a difficulty to be taken seriously - may it be working as a lawyer in the Courts or trying to champion matters relevant to legal and political changes. For instance, as a lawyer, many people questioned if she was in practise because she was single or because her father was an attorney. She would only be assigned specific sorts of situations to handle, usually research-related tasks. Working in courts was similar to working in a setting where everyone was a man, which wasn't often very pleasant. She avoided having to work late nights, which was a plus.
22. **Ramesh (2011)** claimed that, owing to cultural constraints, women are discouraged by their families from pursuing a legal education, which is the real reason of the underrepresentation of women in the field. Women attorneys are significantly more competitive than their male counterparts, which is a well-known fact. Although there are no differences between the arguments made by male and female solicitors, the former are thought to be more "emotionally attached to their briefs," more compassionate, and eager that their clients receive prompt and effective justice**.** He suggests that because women attorneys have an inherent need to prove themselves, this trait might help them in the workplace by making them more methodical, studious, and fastidious. Women attorneys have gone from being nonexistent to being there but only as tokens to becoming a noticeable presence in a still primarily male-dominated field.
23. **Kay et al (2014)** asserts that more women are found in low-paying jobs and fewer women are found in high-paying jobs. According to the report, there is a disparity in wages between men and women in terms of salary, career advancement, authority, autonomy, development opportunities, and work satisfaction. These distinctions remain despite the fact that women and men have comparable levels of experience, and women are not afforded the same opportunities as males. The study has shown evidence of

prejudice in a number of areas, including upward mobility, practise exit and re-entry, pay, location and kind of practise, and employment happiness, as well as the exclusion of women from casual gatherings and the refusal of difficult tasks. In terms of establishing a balance between work and life as well as the stress associated with practising law, women were found to be less pleased than males. According to the survey, it is critical for legal practitioners to address the following challenges in the current environment: work-life balance, financial success, status and morals, gender inequality, sexual harassment in the legal industry, and health problems.

24. **Hatamyar & Simmons (2004)** in their study, the researchers attempted to comprehend the gender disparities that persist in Oklahoma's legal profession. The study's findings demonstrate that female solicitors lack the same level of discipline as their male counterparts. However, it has been discovered that customers of female solicitors are happier than those of male solicitors. It's because women lawyers are more compassionate and sympathetic than male lawyers, who are also better listeners, communicators, and interpret nonverbal clues. With this mentality, the female solicitors are better able to maintain positive client relationships.
25. **Susan Ehrlich Martin & Nancy Jurik (2007)** have found that women are underrepresented in terms of authority, status, and compensation in their study. In spite of the fact that gender is irrelevant, the research has revealed that it plays a significant role. Women are not afforded the same opportunities as men and are denied rights based solely on their gender. According to the study, men are better than women in juggling work and personal obligations. Women choose to leave the field because they are unable to balance the demands of job and family. The study analysed how informal social networks and bar organisations significantly support the legal profession, which necessitates additional time outside of normal working hours from solicitors. It is believed that women who are unable to partake in such socialising lack client growth and dedication to the practise of law. A caveat from the study's conclusion states that a woman lawyer is assessed mostly on the basis of her gender.

3) WOMEN IN LEGAL PROFESSION

The increase of large number of women professionals can be considered as one of the greatest achievement of the independent India. During the past three decades, there has been a remarkable change in the field of women professionals. Today these professionalists are proving to be tough competitors. The spirit of having her own profession and be economically, socially, politically, independent has made women to go in for different professions. Professional women initiate, organize, manage and control the affairs of society. Women in legal profession today are in search of new opportunities for self-fulfilment. They want to prove their abilities and want to create a balance between their family responsibilities and their professional career. Women lawyers often cultivate a high level of administrative capability flair, an ability for decision making, computational skill; delegation skill, organizational skill, and have sound technical knowledge. Such women lawyers stand a much better chance of success than their counter parts, which possess none of these basic qualities, besides it is possession of these scarce qualities which confers an advantage on some women to become good women lawyers. Legal professional development is a subject that has assumed prominence and is bound to be one of the dominant topics of discussion during the decades to come. Resistance to change can be resolved by involving people in the process. The remedy lies in fostering a professional spirit among people. The entrance to this profession is easier than to survive in it. Each one of us knows the competitive trend and trade of this profession. In this profession unless anyone who has close relatives such as father, husband or uncle or godfather it is very difficult for them to continue their profession. It was observed that not all the lawyers enrolled at the bar council are practicing lawyers. Quite a few drops out the profession after a few years, or take up other occupations and many of them allegedly enrol themselves for extraneous considerations, such as maintaining a status symbol or for evasion of income tax.

4) ROLE OF LEGISLATION IN ENHANCING THE STATUS OF WOMEN IN INDIA

Nowadays Indian women march towards equality and independence. For this march towards equality and independence, number of social legislation have been passed from time to time was mainly responsible. This legislation aimed at the abolition of social problems. Following are the significant enactments, which helped in bringing about the change:

1. The Hindu Widow Re-Marriage Act of 1856 In the Hindu society, there was a ban on widow remarriage. Ban on widow remarriage was one of the most vital harms from which

women in the traditional Hindu society suffered a lot. According to section 5 of this Act allowed widows to remarry and ensured her to enjoy all the rights which a married woman enjoyed.

2. The Child Marriage Restraint Act of 1929 The practice of child marriage was another social problem from which woman in traditional Hindu society suffered a lot; The age of marriage for girls was nine or ten and after passing of Child Marriage Restraint Act. 1929, the minimum age of marriage for women was fixed as fifteen years. Later it was increased to 18 years. 1.3.3The Hindu Women's Right to Property Act of 1937 In traditional society women had no property right. In the eyes of law she was a minor or a ward. This Act recognized a widow of a deceased person as his surviving personality with the same right as his in the joint property. Thus, through this Act women in the Hindu society received the property right to a limited extent.

3. The Hindu Marriage Act of 1955 This Act has recognized the equal rights of man and woman in the matters of marriage and divorce. Under the provision of this Act either man or woman can present a petition in the court of law for divorce, wife has got an equal right to divorce her husband as he can do.

4. The Hindu Succession Act of 1956 This Act recognized an equal right for women in the matter of inheritance of property. A woman can inherit the property of her father along with her brothers. She can also sell or mortgage the inherited property or use it for herself. For the first time, absolute ownership was conferred to a woman by this Act.

5. The suppression of Immoral Traffic in Women and Girls Act of 1956 This Act aims to deal with the problem of prostitution and to promote the welfare of unfortunate women. The main objective of this Act was to reduce the scope of prostitution and to reform the prostitutes under this act. Every state is expected to set up protective homes and to appoint women police and women social workers. In protective homes these unfortunate women will be given training in tailoring, toy and basket making and other crafts, so that they may earn for their maintenance in a proper way.

6. The Dowry Prohibition Act of 1961 the main objective of this act is to abolish dowry at the time of marriage. The term dowry refers to a valuable property or thing which is determined by the parties for a marriage. The practice of dowry had produced very bad effects. Dowry has become a social evil. Even though this act prohibits dowry system, the dowry cases have not been reduced. Still this act makes some effort in bringing social change.

Above mentioned are the important legislations which brought upward trend in the status of women in India. Today what women enjoy as their status is because of the legislations.

Women are protected in every way in their life. Due to which women force in India have gained better status, recognition and respect in various field.

4) Statement of the problem:

Problems and Prospects of Women Lawyers in the District court of Kalaburagi .

5) Objectives of the study:

1. To study the socio-economic background of women in legal profession
2. To study the problems faced by women in legal profession.
3. To find out the Work – life balance of women in legal profession.
4. To find out the gender discrimination faced by women law professionals.
5. To examine stress and related illness among women law professionals

6) Need for the Study

The presence of women in law profession will help in addressing various issues related to women rights, violence and child rights, there by addressing the most crucial human right violations that is prevailing in the society at the present context. Hence, an attempt has been made to study the factors disturbing the development of women lawyers such as gender discrimination, sexual harassment, stress, work-life balance..

7) Limitations of the Study

The limitations of the study are as follows: 1. The study will be conducted in Gulbarga, and the population is limited to 7691 women lawyers. Thus, the study was limited to the geographical limits of Gulbarga only. 2. The findings of the study are given based on the limited coverage of the samples selected. 3. The subjects surveyed are only female lawyers, judges and public prosecutors. 4. This study is restricted only to law professionals and thus the results of the study cannot be generalized to women in other profession

8) Data collection:-

The present study will be mainly based on primary data. However the secondary data like the Books, journals, Government reports census report etc will be used for the present study. Interview schedule will be adopted to derive the related data from the respondents.

9) Universe /Sample:-

For the present study kalyan Karnataka will be selected for the data collection. Kalburgi district in kalian Karnataka will be selected for drawing respondents for the study. Women in

legal profession will be the respondents who will provided information. 5 percent of the women in legal profession will be selected. The collected data will be edited, processed with the help of SPSS package and suitable statistical techniques will be used .

10) Chapter Scheme

The study has been divided into five chapters

Chapter 1 Historical Backdrop of Legal Profession.

Chapter 2 Review of Literature

Chapter 3 Methodology

This chapter presents the research methodology, which includes the research design, population of the study, sampling frame, sampling method, sample size, methods of data collection, tools for data collection, period of the study and pilot study, validity and reliability test and framework of analysis.

Chapter 4 Socio Economic Profile of Women Lawyers

The chapter presents the conceptual framework of the present study which includes an overview of law profession in India and Northern Karnataka, and participation of women in law profession and their problems and prospects.

Chapter 5 Dual Role and Stress among Women Lawyers

The fourth chapter presents the data analysis and interpretation related to the factors affecting the growth of women lawyers in Northern Karnataka.

Chapter 6 Findings, Suggestions and Conclusion

The fifth chapter begins with the findings of the primary data collected and the corresponding suggestions and implications were given to the policy makers to enhance the participation of women in law profession thereby improving the economy of the nation; the chapter ends with the conclusion and future enhancements of the study.

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